

CITY OF HOLLISTER CITY COUNCIL

Minutes of Regular Meeting

December 5, 2005

CALL TO ORDER:

The regular meeting of the City Council of the City of Hollister was called to order by Mayor Valdivia on December 5, 2005, at 6:03 p.m. in the City Council Chambers at City Hall.

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass and City Clerk Geri Johnson.

ABSENT: None.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of December 5, 2005, was posted on the bulletin board at City Hall on December 2, 2005, at 8:25 a.m. per Government Code Section 54954.2.

CLOSED SESSION AGENDA:

A. Public comment for Closed Session agenda.

None.

B. Vice Mayor Scattini announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential cases will be discussed)

2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. RWQCB - Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case Number CU-04-00063
4. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 054-212-004
City Negotiator: Clint Quilter
Negotiating Parties: J. B. Howard
Under Negotiation: Price and Terms of Payment
5. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 053-310-001
City Negotiator: Clint Quilter
Negotiating Parties: Tod DuBois
Under Negotiation: Price and Terms of Payment
6. Personnel - City Attorney Evaluation.

Council Member Scattini moved to recess to Closed Session at 6:04 p.m. to discuss the items listed above. Motion seconded by Council Member Emerson and carried by a unanimous vote.

Council Member Pike present at 6:05 p.m.

The City Council reconvened at 6:42 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

ABSENT: None.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of December 5, 2005, was posted on the bulletin board at City Hall on December 2, 2005, at 8:25 a.m. per Government Code Section 54954.2.

CLOSED SESSION:

City Attorney Cass announced that the City Council of the City of Hollister had met in Closed Session to discuss the following and there was nothing to report:

1. Conference with Legal Counsel - Pending Litigation - Pursuant to Government Code Section 54956.9(a) -
 - a. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - b. Nicholson v. Hollister, Case Number CU-04-00063
2. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 054-212-004
City Negotiator: Clint Quilter
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3. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 053-310-001
City Negotiator: Clint Quilter

Negotiating Parties: Tod DuBois
Under Negotiation: Price and Terms of Payment

4. Personnel - City Attorney Evaluation.

Mayor Valdivia took a moment to thank everyone for the calls, concerns, and cards. She also thanked God, the City staff, and the City Council for their support and work. Mrs. Valdivia said she was happy to be back and will be working on a part time basis for a while.

6:30 p.m. - Agenda

1. Election of Mayor and Mayor Pro Tempore.
 - (a) Mayor Valdivia moved to elect Robert Scattini as the new Mayor. Motion seconded by Council Member Pike and carried by a 4-1 vote, Council Member Johnson voting No.
 - (b) Mayor Scattini moved to elect Brad Pike as Mayor pro Tempore. Motion seconded by Council Member Johnson and carried by a unanimous vote.
2. Oath of Office for Mayor and Mayor Pro Tempore.
 - (a) City Clerk Johnson administered the Oath of Office for Mayor Scattini and Mayor Pro Tempore Pike.
3. Presentation of Mayoral Plaque to outgoing Mayor Pauline Valdivia.
 - (a) Mayor Scattini presented the Mayoral Plaque with a gavel to outgoing Mayor Pauline Valdivia.
 - (b) Council Member Valdivia thanked everyone for their support and for working together.

A. CONSENT RESOLUTION (December 5, 2005):

1. Minutes of the Special Meeting of November 14, 2005.
 - (a) Approved the Minutes of the Special Meeting of November 14, 2005, as submitted.

2. Warrant Register.
 - (b) Received transmittal dated November 14, 2005, Warrant Register, from Administrative Services Director Galvan.
 - (c) Ratified and approved Warrant Register dated:
November 14, 2005, in the amount of \$192,240.19
3. ABC License Review - Discount Cigarette & Wireless.
 - (a) Received transmittal dated November 16, 2005, ABC License Review - Discount Cigarette & Wireless, from City Clerk Johnson.
 - (b) Acknowledged the receipt of the ABC license review for Discount Cigarette & Wireless at 195 Meridian Street, Suite B8, and ordered it filed.
4. Resolution No. 2005-156, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE TEMPORARY CLOSURE OF THE PUBLIC CITY PARKING LOT ON FOURTH STREET BETWEEN SAN BENITO STREET AND MONTEREY STREET BY EXPRESS MORTGAGE FOR THEIR CUSTOMER APPRECIATION DAY.
 - (a) Received transmittal dated November 28, 2005, Resolution authorizing temporary closure of City parking lot on Fourth Street on December 11, 2005, from City Clerk Johnson.
 - (b) Adopted Resolution No. 2005-156, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE TEMPORARY CLOSURE OF THE PUBLIC CITY PARKING LOT ON FOURTH STREET BETWEEN SAN BENITO STREET AND MONTEREY STREET BY EXPRESS MORTGAGE FOR THEIR CUSTOMER APPRECIATION DAY.
5. Resolution No. 2005-147, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A PIPELINE CROSSING AGREEMENT WITH UNION PACIFIC RAILROAD.
 - (a) Received transmittal dated November 21, 2005, A Resolution of the City Council of the City of Hollister Approving the Pipeline Crossing Agreement with Union Pacific Railroad for the North Street Crossing Improvements, from Assistant Civil Engineer Kelley.
 - (b) Adopted Resolution No. 2005-147, A RESOLUTION OF THE CITY

**COUNCIL OF THE CITY OF HOLLISTER APPROVING A PIPELINE
CROSSING AGREEMENT WITH UNION PACIFIC RAILROAD.**

6. Resolution No. 2005-158, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HOLLISTER AND THE HOLLISTER PEACE OFFICERS ASSOCIATION BARGAINING UNIT FOR THE TERM OF JULY 1, 2005 THROUGH JUNE 30, 2006.
 - (a) Received transmittal dated November 28, 2005, Consider Resolution No. 2005-148, a Resolution Adopting a Memorandum of Understanding between the City of Hollister and the Hollister Peace Officers Association, from HR Analyst Credico.
 - (b) Continued to December 12, 2005.

Council Member Emerson moved to adopt the Consent Resolution (December 5, 2005) as stated above. Motion seconded by Council Member Pike and carried by a unanimous vote.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. Public Input.
 - (a) Mary Anne Hughes, Hollister, CA representing Community Pantry asked the City Council and members of the community to help them look for a new facility.
 - (b) Henry Sumaya, Hollister, CA spoke to the City Council regarding gang activity in the community. He said put a stop to gang activity, close the borders, and support financing for the Police Department.

C. PUBLIC HEARINGS: (on or about 7:00 P.M.)

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Resolution No. 2005-159, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT ON THE 2005-2023 HOLLISTER GENERAL PLAN AND MAKING FINDINGS OF OVERRIDING CONSIDERATION RELATING TO THE MITIGATION MEASURES AND PROJECT ALTERNATIVES, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM GPA 1-05 and

Resolution No. 2005-160, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING THE 2005-2023 HOLLISTER GENERAL PLAN.

- (a) Received transmittal dated November 28, 2005, Adoption of 2005-2023 General Plan and Final EIR, from Planning Manager Heiser.
 - (b) Council Member Emerson moved to adopt Resolution No. 2005-159, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT ON THE 2005-2023 HOLLISTER GENERAL PLAN AND MAKING FINDINGS OF OVERRIDING CONSIDERATION RELATING TO THE MITIGATION MEASURES AND PROJECT ALTERNATIVES, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM GPA 1-05. Motion seconded by Council Member Johnson and carried by a unanimous vote.
 - (c) Council Member Emerson moved to adopt Resolution No. 2005-160, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING THE 2005-2023 HOLLISTER GENERAL PLAN. Motion seconded by Council Member Johnson and carried by a unanimous vote.
2. Purchase of 10 rifles, 20 radio communication headsets and cables, 20 ballistic helmets, 20 gas masks, 14 goggles, and 16 cases of ammunition.
- (a) Received transmittal dated November 30, 2005, Purchase of 10 Rifles, 20 Radio Communication Headsets and Cables, 10 Ballistic Helmets, 10 Gas Masks, 14 Goggles, and 16 Cases of Ammunition, from Chief of Police Miller.
 - (b) Council Member Emerson moved to approve the purchase of the stated equipment for the Police Department. Motion seconded by Council Member Valdivia and carried by a unanimous vote.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

- 1. Reports from City Council Committees.
 - (a) Council Member Emerson informed everyone that the Homeless Shelter should be open this weekend (December 10) as the County should finalize the building tomorrow.
- 2. Reports from City Council, City Manager, City Attorney, and Staff.

- (a) City Manager Quilter - announced that a special meeting will be held on December 12 and the next regular meeting will be December 19. There will be a revenue sub-committee meeting next week that he is trying to schedule. Mr. Quilter also informed the City Council that he has received a proposal for a motorcycle rally that will be on the agenda for December 19.
- (b) City Attorney Cass - congratulated the new Mayor and welcomed Mrs. Valdivia back to the City Council.
- (c) City Clerk Johnson - congratulated Pauline Valdivia and Robert Scattini and announced that coffee and cookies would be served after the City Council meeting.
- (d) City Council Member Pike, District 1 - welcomed Pauline back and said it was a real blessing that she is doing so well.
- (e) City Council Member Emerson, District 4 - welcomed back Pauline as he really appreciates all the time and work she has given to the City; congratulated Mayor Scattini; congratulated the Balers on the CCS football championship; attended the Lights On Celebration and spent money downtown; attended the Chamber of Commerce luncheon with Simon Salinas; thanked the employees for a great holiday party; and he will be out of town from December 17 through January 9.
- (f) City Council Member Johnson, District 5 - thanked Pauline Valdivia for the past year of good leadership; congratulated the Balers on the CCS Championship; thanked everyone who worked on the Lights On Celebration; congratulated the Rancho-Maze band for being in the San Jose holiday parade yesterday as she was a very proud parent; thanked everyone who participated in the Rancho San Justo craft fair on Saturday; congratulated Shannon Grissom who won the cable TV show artist of the year; spent a weekend in Los Angeles and took her girls to USC, her alma mater; said that besides the gang problems there is a drug problem in this community; and Mrs. Johnson congratulated the Mayor and Vice Mayor.
- (g) City Council Member Valdivia, District 3 - thanked everyone for the comments and especially for their prayers; stated that everyone needs to help curtail the gang activity in the community as it really starts at home; it takes the community to make the difference; and she congratulated new Mayor Scattini and Vice Mayor Pike.
- (h) Mayor Scattini, District 2 - welcomed Pauline Valdivia back; congratulated the Balers for their CCS Championship; the Sober Grad Night group is selling poinsettias - call Marci Huston; he wondered if maybe the City should have a directly elected Mayor; and he commented that he has enjoyed working with the members of the City

Council. Mayor Scattini outlined his goals for the coming year: (1) get the wastewater treatment facility completed; (2) continue to work on the Gang Task Force; (3) work with the Hollister Downtown Association and the San Benito County Chamber of Commerce; (4) solve some problems at the Hollister Municipal Airport; and (5) obtain grants.

3. Water and Wastewater Issues.
 - (a) Received oral update from City Manager Quilter.
 - (b) Information only; no City Council action taken.
4. Hollister Municipal Airport status report.
 - (a) Received oral report from Airport Manager Gere who added that Ms. Helen Ross resigned from the Airport Advisory Commission due to personal reasons.
 - (b) Information only; no City Council action taken.
 - (c) Mayor Scattini thanked Helen Ross for her service to the Airport Advisory Commission.
5. June 2005 Unaudited Year-End Progress Report and Five Year Projection Analysis (continued from November 21, 2005).
 - (a) Received memorandum dated November 7, 2005, June '05 Unaudited Year-End Financial Progress Report and Five Year Projection Analysis, from Administrative Services Director Galvan.
 - (b) Information only; no City Council action taken.
6. Presentation of the City of Hollister's Annual Independent Audit by Grace and Associates.
 - (a) Received transmittal dated November 29, 2005, Presentation of City's annual Independent Audit by Grace and Associates, from Administrative Services Director Galvan.
 - (b) Mr. Galvan thanked Bette and Mike Grace for the work on the audit.
 - (c) Received comments from Mr. Michael Grace of Grace and Associates.
 - (d) The City Council received the Annual Independent Audit and ordered it filed.

F. UNFINISHED BUSINESS:

City Council Regular Meeting
December 5, 2005

None.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

There being no further business to come before the City Council of the City of Hollister, the regular meeting of December 5, 2005, was adjourned at 8:20 p.m. by motion of Council Member Valdivia. Motion seconded by Council Member Emerson and carried by a unanimous vote.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Geri Johnson".

Geri Johnson
City Clerk